

The Exchequer  
**GALLON**

Vindicated

1029-66  
13

To be the true and only Standard Gallon  
of *ENGLAND*.

Against the unjust calumnies in a Pam-  
phlet, Entitled, *The Cry of the Oppressed, by reason of  
false Measures.*

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Written in behalf of the Commonwealth.

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Wherein is manifested,  
That the Brewers are not forced to sell by  
one measure, and pay Excise by another, as they pretend  
they are. But their Vessels are Gauged by that only Standard  
Gallon which is commanded to be used throughout the Nation  
by Acts of Parliament in force, made by this and many pre-  
cedent Parliaments; which Gallon by those Acts is also  
appointed to be and remain for a Standard in the  
Treasury or Exchequer for ever; to the end no  
deceit might be used by variety of Measures  
in this Nation.

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By John Lyon, <sup>K</sup>*Professor of Mathematicks, and a Well-wisher  
of Publique Good.*

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LONDON, Printed by John Macock, 1659.

Printed by J. Smith

# GALLON

Vindicated

To be the measure only of the  
of 8 1/2 PINTS.

Against the unjust claim in a  
Bill, Entitled, The City of the City of London  
for the purpose of

Written in behalf of the Commonwealth.

Which is manifestly

That the Brewers are not forced to sell by  
one measure, and pay twice by another; for whereas  
they are, by the Statute, obliged to sell by one measure  
only, they are obliged to buy by two measures, the one  
being the measure of the City, and the other the  
measure of the County; which is manifestly  
unjust, and contrary to the rights of the  
Brewers, who are forced to sell by one measure  
and to buy by two measures; and it is  
manifestly unjust, and contrary to the  
rights of the Brewers, who are forced to  
sell by one measure and to buy by two  
measures; and it is manifestly unjust,  
and contrary to the rights of the  
Brewers, who are forced to sell by one  
measure and to buy by two measures.

By John Ingham, Printer of Mathematics, and a Well known  
and experienced

LONDON, Printed by John Smith, 1750.

...they give *Magna Charta*, wherein they affirm it is said, *Magni ponderi & mense sit pectus regnum nostrum*. Doubt not those Acts of Parliament made in the ninth year of *Henry the III.* the seventeenth year of *Edward the II.* the 14, 25, and 27 years of *Edward the III.* the 14, 25, and 16 years of *Richard the II.* the 20, (and 12, years of *Henry the VII.* and the 23 years of *Henry the VIII.* provide for the same thing; and to that end establish one Standard Gallon, and also one Standard for all Weights and Measures, to be used throughout the Realm, to be and remain in the Treasury or Exchequer forever. And to the end that no deceit might be used in variety of Measures, was not those Standards in the Exchequer further established by an Act of this present Parliament, in the year 1641. as it is in the 29. Chapter of *M<sup>r</sup> Scobels* Collections of Statutes, which is consonant and not contrary to that Sacred Directory in *Deut. 25. 13, and 14. verses* There shall not be diverse Weights and Measures, a great and a small, but a perfect and just Measure throughout the Land. Though the Brewers seem to affirm the justness of their complaint, by pretending two different Measures, complaining they are gauged by one Measure, and are forced to sell by another, pretending their loss in the Excise of Beer and Ale in *London* only, thereby to be 7000 l. per an. whereas they are gauged by that alone Measure which is justified by Law to sell by; only in policie some Brewers give greater Measure then others, and also undersell one another in the price of the Barrel of strong drink, on purpose to gain each others Customers, out of meer design and covetousness of Trade, when the Law doth not oblige them thereto. Besides many or all of them have no sealed Gallons in their houses, that they may be at liberty herein. And whereas in the first page of their Pamphlet, it is complained by the Brewers, that the Gaugers do not ob-

by the Ordinance of the Lordes and Commons in Parli-  
ament, made in the year 1543. Article 23. whereby the  
Brewer is to pay 3<sup>d</sup> for Barrel Excise, for every Barrel of  
strong Beer which is made and Brewed.

Surely it is meant such a Barrel of Beer as is established by  
Law, which Barrel is to contain just 36. of the Standard  
Gallons, or else above and not under (as it is in  
the fore said Act, made in the 23. year of Henry the VIII.)  
By this word (*above*) certainly no unbiassed person can un-  
derstand, that Act ever intended the Barrel should be 37.  
Gallon, or as much bigger as the Cooper or Brewer plea-  
ses; but the Law provides for the contrary; for it saies in  
the same Act, That if any Vessel hold more or less then 36.  
Gallons, the Cooper is thereby directed on a penalty, to  
set the number of Gallons it contains on the outside thereof;  
and if it be less then a Barrel and hath not the number of  
Gallons on it, the Sealer may burn it.

Besides for further confirmation of the Exchequer Gal-  
lon, there hath been tried with water, by that Gallon, di-  
vers new barrels that are sealed in neer twenty Brewhouses  
in London, and the biggest of them have not held above 36.  
Gallons and 3. quarts, some but 36. gallons and a half, and  
some but 36. gallons and a quart, which had they been  
measured by the great gallon which the Brewers contend  
for, they had held little above 34. gallons; which shews  
that the Measure the Sealer seals the Barrels by, and that  
Measure at Coopers Hall the Brewers pretend they seal by,  
is not all one, and that the Sealer doth seal by the Exche-  
quer gallon, or else those Barrels could not be sealed but  
broke.

And whereas the Brewers are pleased to cite the 11. of  
Henry, the 7<sup>th</sup> and 4. Chapter which they say (in the supple-  
ment to their book) declares by the expresse words in that  
Act, the proportion is as 5. to 4. for that the water Measure  
or bushel should hold 5. pecks of the Standard, and the

com-

which water measure by the same Statute is only to be used within the ship-board; so it is hereby made manifestly to appear, that Beer and Ale is not to be sold by that measure; & yet from hence they derive the foundation of their great gallon at *Coopers-Hall*, by dividing those 5 pecks into eight gallons, or parts, & thereby frame that measure they would have called the Ale-gallon: a gallon of which quantity was never established by any Law in any place of *England*; besides if one bushel contain 10 gallons, or 5 pecks, and another bushel contain 8 gallons, or 4 pecks, yet though the Law doth appoint two different bushels, that doth not make two different gallons; for there is but one gallon fixed by Law, and that is in the Exchequer, as aforesaid.

And for their saying 8 l. of wheat makes the wine gallon, Let any judge to what purpose it is to derive a gallon from the weight of wheat; when all the Statutes before recited fully clear that point, and shew where the Standard gallon shall reside, to which the whole Nation ought to conform, as doth the gallon in *Guild-hall London*, and in all the Corporations in *England*, which are fixed there by Law. And can it be presum'd that gallon in the Exchequer (so long practised as ever since the 16. of *Ric. 2.* being near 300 years, as is seen by the fore-mentioned Statutes) is contrary in the contents thereof, to the true intent of so many Acts made for the constant confirmation thereof to this present time.

Nor as they alledge in the second page, doth any Statute speak of different Gallons to be found by proportion, although most absurdly it is said, according to the proportions they bear to it self; whereas no number can bear a proportion to its self; but the quantity of two different numbers or things, must be given to beget a proportion, and there is no Gallon established but of one quantity, and that is in the Exchequer. Besides not any Statute whatsoever doth so much as mention the word Proportion, that should be between any two or three Gallons.

...established different Gallons, as one for Corn, and  
another for Beer and Ale: I am sure they are not in the Ex-  
chequer, if they are in any other place, it is desired they  
would shew where they are, and by what Law so placed:  
for I conceive practice ought to be reduced to Law, and  
not Law to practise.

And in the third page, after the said Brewers have decla-  
red the Wine gallon to be the Standard gallon, then they  
begin to speak of an Ale gallon, bigger by one fifth part  
for the foulness of working, whereas there is but one Stan-  
dard gallon placed by any Statute Law, and that is in the  
Exchequer, as aforesaid. Neither is there any such thing  
as one fifth part more, expressed in any Statute whatsoe-  
ver, for the measure whereby the Ale or Beer barrel is  
made, is appointed to be the Standard Gallon, which all  
that know the Laws of this Nation, know it is only fixed  
in the Treasury or Exchequer, as aforesaid: And for the  
scantling of length and depth, or form of any Barrel, or  
other Vessel which the Cooper is to make, that scantling or  
any whatsoever, is not commanded by any Statute Law ex-  
cept, only (as aforesaid) they are obliged to make the Bar-  
rel so that it must hold 36 of the Standard Gallons, unless  
it be in that Treatise called *Compositio Mensurarum*, the sub-  
stance of which they know not, for they themselves confess  
it is not in being, nor did any man living ever see it. Also  
they confess, that in *Henry* the seventh's time a Standard  
Gallon, according to the Assize for dry things, was placed  
in the Exchequer: Now if that Standard Gallon be not al-  
so for Liquids, as Beer and Ale, it is desired they shew a  
Standard Gallon in any other place, and yet before they  
said there was no Standard Gallon in the Exchequer but  
the wine Gallon, and that was the Standard of *England*: so  
that by this time they seem to find two different Gallons in  
the said Exchequer, which how true this is, any judicious  
man may go and try, where he shall find their supposition to  
be false.

And



And the few who have not yet consented to the quantity  
that established Gallon, know their suggestions are contrary  
to equity, and have found but one Standard Gallon there,  
and that both true and just, 72 Cubical or solid Inches.

And in the fourth page they say a *Wine* best bushel holdeth  
16 Ale quarts; or *Wine* best quarts, 12 and confide that there  
is not in any Act of Parliament in all the Statutes in being,  
either the name of a *Wine* best bushel, or *Wine* best Gal-  
lon, or *Wine* best quart, &c. in *Prima* French it was enacted  
That the Victuallers should sell a full Ale quart for a penny,  
but not one word therein, on any Statute, that four of these  
quarts should fill the Standard gallon (although I believe  
it doth) yet if three of these quarts did suffice the Standard  
gallon, it doth not invalidate the Standard Gallon by this  
Law, but that the Law was to be made to contain 3 of  
these Standard gallons. Besides, as to the measure of the  
barrel, the Law doth not refer either to the Ale quart, or  
Bushel, but to the gallon, & this is of kind & kind, which if  
the gallon were made by 4 of these quarts, as the Brewer  
would have the gallon made by 3 (there being no Law extant  
that leads thereto) besides the trouble and charge of taking  
ing and placing new gallons in all the several Towns cor-  
porate in England, the Commonwealth would be dam-  
aged in the Bulk of Beer and Ale in London only, about  
700000 yearly, and in the Nations all over 1400000 yearly.  
And in the same page they say, that there is still kept up by  
the tradition of the Coopers, founding a Law by what estab-  
lished Law is that Coopers founding? I believe you will so-  
on find it as you will that I wrote called *Compositio Me-  
surarum*, for computed they were hath swallow'd in a prison.  
And though in page 7. they are pleased to call *Mutatio* was  
vice in the *Art* of Gauging, yet he hath more experience  
the Standard gallon of England residing in the Exchequer  
then any of his accusers, or that may be seen by their calling  
the Standard gallon in the Exchequer the Wine gallon, and  
they give this reason, for that it is a least of gallons, and

how many cubical inches a gallon contains (for which end they brought many Adits to prove the gallon was to be 288 inches, none of them ever seeing any original Standard gallon in their lives, as themselves confessed.) But which is the Standard gallon of *England*, and where it is placed, and by what Law so established, and whether there be one or many Standard gallons established by Law, then it is easie to know the quantity thereof, and not to trouble themselves about the proportions of 3 several gallons one to another, when there is but one gallon as aforesaid established by Law, and not the word proportion used in any Statute. It being most absurd for the Brewers to offer to justify that gallon of 288 cubical inches, when there is no such gallon in any Corporation in *England* placed there by any Statute Law, only that placed (at will) in *Coopers-Hall*, without any established authority.

And had the Brewers vessels been Gauged by any other gallon then the aforesaid gallon in the Exchequer, the said *Lyon* had then not only acted to accommodate the illegal ends of the Complainants, but utterly contrary to the established Law in that behalf, and in breach of the trust reposed in him.

But if it shall please the Parliament to alter those Laws already made, and confirm another gallon of any quantity they shall determine of, he the said *Lyon* shall be ready (being by Authority thereunto directed) from the same Dimensions he now hath of all the Brewers Vessels in *London*, to cast up the exact quantities thereof, as accurately as he hath formerly done by the Exchequer gallon, whereby he hath experimented his knowledge, by the tryal of several Tuns with water, in neer 20 Brewhouses, wherein he hath alwaies been careful rather to under, then over Gauge them, according to the Legal gallon, as hath been found upon proof.



